

REMARKS

The Applicant appreciates the Examiner's careful examination of this case. Reconsideration and re-examination are respectfully requested in view of the instant remarks.

The Office Action Summary on page 1 of the Office Action is agreed.

With regard to Paragraphs 1 – 11 of the Office Action, the Applicants were much obliged to the examiner for kindly indicating in Paragraph 11 that claim 12 would be allowable if re-written in independent form. Claim 12 is to the frame being a foldable frame. If possible, the Applicants would prefer slightly broader protection than specifying that the frame is a foldable frame.

The Applicants followed the Examiner's line of reasoning and noted that in addition to the frame being a foldable frame, there were other substantial differences between the Applicants' frame and the frames in Sekita et al USA Patent No. 6,260,913, Baston USA Patent No. 4,362,220 and Richardson II et al USA Patent No. 6,419,304. More specifically, none of the cited USA patents has frame members extending upwardly from the flat carrying area and along a side of the vehicle, the seat being positioned between the frame members and facing outwardly towards said side of the vehicle, and the frame members giving side roll over protection to the person in the seat if the vehicle should roll over onto said side. In the USA patents, the seat is forward facing rather than side ways

facing. There are no clear frame members extending upwardly on the flat carrying area and along a side of the vehicle. The USA patents are not concerned with and would not give side roll over protection to a person in the seat if the vehicles of the USA patents should roll on their side. As can be appreciated from the Applicants' drawings, the person seated in the seat is facing outwardly towards the side of the vehicle. If the vehicle should roll over onto its side, then the person would be tipped forwardly out of their seat. The person will be saved from injury by the frame members.

The Applicants' claim 1 has been restricted to the above mentioned features. Thus the Applicants' stated claim frame design is now completely different to that of Sekita et al, Baston and Richardson II et al.

The other prior art cited by the Examiner but not relied upon has been carefully considered. This prior art is not believed to affect the allowability of claim 1 nor the above submissions. The sub-claims are all believed to be allowable because they include all of the features of the amended claim 1, and the amended claim 1 is believed to be allowable for the above reasons. In addition, claim 12 is also believed to be allowable because it is restricted to the frame being a foldable frame and the Examiner has kindly indicated in paragraph 11 of the Office Action that claim 12 is allowable in its own right.

Accordingly, it is respectfully submitted that this application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this **RESPONSE** is found to be **INCOMPLETE**, or if at any time it appears that a **TELEPHONE CONFERENCE** with Counsel would help advance prosecution, please telephone the undersigned or one of his associates, collect in Waltham, Massachusetts, at (781) 890-5678.

Respectfully submitted

A handwritten signature in cursive script, reading "David W. Poirier", is written over a horizontal line.

David W. Poirier
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